TO BE FILED

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No._____

83-5446

EMIL TATU AND EMILIA TATU,

Appellants.

- v. -

WILLIAM DAVIS, ET. AL.& LAWSON & HARTNELL,

Appellee.

ON APPEAL FROM THE CALIFORNIA STATE COURT OF APPEALS, FOURTH DISTRICT, DIVISION TWO

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J U R I S D I C T I O N A L S T A T E M E N T

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EMIL TATU and EMILIA TATU
P.O. Box 29173
LOS ANGELES, CALIF. 90029

APPELLANTS IN PRO. PER.

I N D E X

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The Questions are substantial:	
1. Whether the California State Courts have the right to violate the Seventh Amendment to the United States Constitution.	25
2. Whether the California State Courts have the authority to deprive any person of his(her) right to have a trial by jury.	25
3. Whether "the right of trial by jury" as found in the Seventh Amendment of the United States Constitution is to be preserved in all suits at law.	25
4. Whether the right of trial by jury is mere matter of procedure, or a substantive right, knowing that, as provided by the Seventh Amendment to the United States Constitution this is a fundamental right which inheres in every cause of action of common law is saught to be enforced within the limits of the Federal Union; the States (in such cases) are powerless to take it away.	25
5. Whether a legal timely Appeal, ca be dismiss by California State Courts knowing that, the cause which gave birth to the appeal, is a False, Null and Illegal document, on groung of which were	

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given then, all the abusive decisions that followed, including the one which is the object of this present Appeal, False by which we, the Plaintiffs and Appellants, were abusively deprived of our right to be compensated for the damages we have suffered, without having any guilt whatsoever. 25

6. Whether the California State Courts have the right to violate the Thirteenth Amendment to the United States Constitution. 26

7. Whether the California State Courts have the right to violate the Fourteenth Amendment to the United States Constitution. 26

8. Whether the California State Courts have the authority to violate the Statute of Political Asylum granted to us by the Federal Government, to treat us as slaves without any rights and, to continue, through abusive decisions, the persecutions against us because of our activity against the crimes committed by communists behind the Iron Curtain. 26

CONCLUSION 26-27

A P P E N D I X:

1) Judgment called "Opinion" of the California State Court of Appeals, Fourth District, Division Two, filed on March 17,1983 A (9 pages)

2) The Order of the Supreme Court of California, extended time for denying our hearing. B (1 page)

3) Order of the California Supreme Court denying our Petition for Hearing, June 1,1983 C (1 page)

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4) Our NOTICE OF APPEAL to the Supreme Court of the United States, filed on May 11,1983. D (6 pages)

In order to be seen from the beginning how the California State Courts did falsify the truth, we do also attached to the APPENDIX the following records existente in CLERK TRANSCRIPT filed in the Court of Appeals, Fourth District, Division Two, records which we are praying the Court to examine them for they are decissive on this Appeal because they do reveal the flagrant False "stipulated judgment" dated October 17,1979 manufactured by the appellee in secret, against our will, after we revoked his authority to represent us any more, False on which are ground all the abusive decisions given in our case by the California State Courts, including the one which is now the object of this present Appeal:

5) Our "Appellant's Opening Brief" filed with the California State Court of Appeals, Fourth District, on February 19,1982. E (38 pages

6) Our "Petition for Hearing" filed with the California Supreme Court on April 18,1983 F (31 pages

7) The Written CONTRACT between us and our former attorneys and now appellee LAWSON & HARTNELL, signed on August 6,1979. G (2 pages)

8) The LIST entitled RECAPITULATION OF DAMAGES filed by appellee LAWSON & HARTNELL on September 11,1979 at the Mandatory Settlement Conference. H (1 page)

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9) The RELEASE FORMS cancelled by us on October 11, 1979 by which we did revoke the authority of the appellee LAWSON & HARTNELL and we declared Null any agreement made by them without our signatures. I (2 pages)

10) The SUBSTITUTION OF ATTORNEY form signed by us and by the appellee LAWSON & HARTNELL in the morning of October 17,1979. J (2 pages)

11) The flagrant False called "stipulated judgment" manufactured in secret by appellee LAWSON & HARTNELL on October 17,1979 after we did revoke his authority, False which also stands at the foundation of the abusive decisions, including the one which is the object of this Appeal. K (2 pages)

12) Our NOTE OF FINDINGS filed with the Court of Appeals, Fourth District, on December 23,1982 in which we informed said Court about the False records new discovered by us, requesting to order investigations and graphological expertise upon those new discovered false. L (8 pages)

TABLE OF AUTHORITIES

Cases: Martin -v.- Hunter 1 Wheat. 304 11

There is no other similar case in which any Court deprived a Plaintiff of his Constitutional right to have a trial by jury in a Personal Injury action and then, to order a settlement against Plaintiff's will, by committing a False.

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Constitutional provisions:

United States Constitution, Seventh Amendment 10

United States Constitution, Thirteenth Amendment 11

United States Constitution, Fourteenth Amendment 12

Federal Statute:

Title 28 United States Code, Sec. 1257(1) 13

Title 28 United States Code, Sec. 2101(c) 13

State Statute:

California Constitution, Art.I, Section 6 15

California Constitution, Art.I, Section 7 15

California Constitution, Art.I Section 16 15

California Rules of Court, Rule 2(a) 23

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California Code of Civil Procedure, Sec.283 21

California Code of Civil Procedure, Sec.906 20

California Code of Civil Procedure, Sec.1048(b) 22

California Civil Code, Section 1441 15

California Penal Code, Section 132 16

California Penal Code, Section 470 17

California Penal Code, Section 471 17

Other authorities:

The written CONTRACT signed with the Appellee 21

the RELEASE FORMS cancelled by us on Oct.11,1979 18

POLITICAL ASYLUM Statute, 14

LIST OF ALL PARTIES TO THE PROCEEDINGS

1. CALIFORNIA STATE SUPREME COURT

   4250 State Building

   San Francisco, California 94102

2. CALIFORNIA STATE COURT OF APPEALS
   FOURTH DISTRICT, DIVISION TWO

   303 West, Third Street

   San Bernardino, California 92401

3. RIVERSIDE COUNTY SUPERIOR COURT

   4050 Main Street, Box 431

   Riverside, California 92501

4. Law firm LAWSON & HARTNELL

   25757 Redlands Boulevard

   Redlands, California 92373

5. AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

   (the Insurance Company which the only one left liable after the death of its client WILLIAM DAVIS)

   1950 Century Park East

   Los Angeles, California 90067

IN THE

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OCTOBER TERM, 1983

No. _____

EMIL TATU AND EMILIA TATU,

Appellants.

- v. -

WILLIAM DAVIS, ET. AL. &
LAWSON & HARTNELL,

Appellee.

ON APPEAL FROM THE CALIFORNIA STATE COURT

OF APPEALS, FOURTH DISTRICT, DIVISION TWO

J U R I S D I C T I O N A L S T A T E M E N T

We, the appellants in Pro. Per., EMIL TATU and EMILIA TATU, appeal from the final decision called "Opinion" of the California State Court of Appeals, Fourth District, Division Two, filed on March 17,1983.

We, the appellants submit this statement to show that the Supreme Court of the United States has jurisdiction of this Appeal and that substantial questions are presented.

O p i n i o n B e l o w

The decision called "Opinion" of the California State Court of Appeals, Fourth District, Division Two, it is

totally illegal and abusive as it will be shown below. It is attached here in the Appendix, infra, pp.A (9 pages).

Our "Petition for Hearing" timely filed on April 18, 1983 with the Supreme Court of the State of California, was also abusively denied on June 1,1983 and its order it is also attached here in the Appendix, infra, pp.F (31 pages).

J u r i s d i c t i o n

The final decision called "Opinion" of the California State Court of Appeals, Fourth District, Division Two, was filed on March 17,1983 (its copy is attached in the Appendix, infra, pp.A (9 pages).

Our "Petition for Hearing" with the Supreme Court of the State of California, was filed on April 18,1983 (a copy of it is attached in the Appendix, infra, pp.F (31 pages)

Our NOTICE OF APPEAL with the United States Supreme Court was filed on May 11,1983 (its copy is attached in the Appendix, infra, pp. D (6 pages).

By Order dated June 16,1983, Mr. WILLIAM H. REHNQUIST, Associate Justice of the Supreme Court of the United States, extended the time for filing this Jurisdictional Statement to and including September 30,1983.

The jurisdiction of this Court to review the decision by appeal is conferred by Title 28 U.S.C. 1257 (1) and Title 28 U.S.C. 2101 (c).

Regarding to other decisions of this Court, we have to mention that there is no other similar case of flagrant violation by any State Court of the Constitutional right to a trial by jury as it has been done in our case in California State Courts.

S t a t e m e n t o f t h e c a s e

This case which is now on appeal in the United States Supreme Court, did raise from our original Personal Injury action filed on August 5,1977 under No.Indio-24204 (in Riverside County Superior Court, State of California).

Said action was established once and for all to be tried only BY JURY, in our At-Issue-Memorandum filed since November 7,1977 and, as it results from all the records signed by us, ever since, we did insist on be respectted our Constitutional right to have a trial by jury.

The Insurance Company "Automobile Club of Southern California" the only one remained liable for the damages and sufferings caused to us by its client Mr. WILLIAM DAVIS in the auto accident of November 11,1976, has a Policy liability of $300,000.00.

On September 11,1979 at the Mandatory Settlement Conference, our former attorneys and now Appellee "LAWSON & HARTNELL" did file a List of our special Damages which, at that time were of $ 319,761.85. See it in the Appendix, infra, pp. H (1 page).

The attorneys for said Insurance Company did came up with an offer of $ 50,000.00, offer which we did refuse it.

On October 10,1979 when the trial just started, it was immediately interrupted and, our former attorneys and now the appellee LAWSON & HARTNELL who sold us out, told us that the trial cannot continue unless we will first undergo for the surgeries prescribed by doctors and, for those we have to accept from the Insurance Company an advance payment of $ 30,000.00 for both of us in order to be able to pay some of the medical bills.

But, next day, on October 11,1979 when our former attorneys took us in his car to the Insurance Company office to receive said advance payment, we discovered that siad payment was not intented to be an advance but a full release.

That is why we did cancel those release forms on the spot and, we did also fire our attorneys requesting them to sign right away the Substitution of Attorney Form.Appendix pp.I (2 pages)

But instead, on October 17,1979 our former attorneys and now appellee LAWSON & HARTNELL together with the attorneys for the "Automobile Club of Southern California" Insurance Company and the Judge, did sign in secret, a false document called "Stipulated judgment", against our will. Because said false document was kept in secret confronted by us, we could not find out about its existence until December 17,1979 when, in fact, we did sent to the respective judge and to the opposing party, our Motion to be set aside said False called "Stipulated Judgment" made in secret, against our will.

From that day on, we made numerouse motions and petitions in this sense but nobody wanted to vacate said False which lies at the basis of all Court's abusive decisions and orders that followed.

According to Seventh Amendment to the United States Constittution, to Art.I, Sec.16 of the California Constitution, to Sec. 1048(b) of the California Code of Civil Procedure and to other legal provisions, no judge had jurisdiction to try and to decide without JURY in this case. Based on such legal provisions, we did file with the trial Court many petitions disqualifying any judge who will attempt to violate such provisions, to try

and to give decisions in this case. So that, all the decisions or orders given by any judge without jury, are abusive and illegal including the orders given by the superior judge ROBERT TIMLIN which are now on this appeal because, the same as the other over 30 decisions and orders given until now in our Personal Inury case No.Indio 24204 (Riverside County Superior Court), Judge TIMLIN's ordert too, are given without jury and, all are grounded on the same flagrant False which, through unprecedented abuse of discretion, is still pass under total silence, including by the California State Court of Appeals, Fourth District (twice) and by the Supreme Court of the State of California (once).

As it results from the records, said False called "Stipulated Judgment" has been made and kept in secret confronted by us but, as soon as we could discover it, we did challange it within the legal time but, still it continue to be again pass under total silence by the California State Courts although, we repeat, this Flagrant False stands at the foundation of all the abusive decisions given against us until now. Appendix, p.K (2 pages)

The matter was brought to appeal in the California State Court of Appeals, Fourth District, Division Two, against the Superior Court County of Riverside's Order given by judge ROBERT TIMLIN on March 31,1981 in which he ordered denial of our Motion for reconsideration for a legal New Trial filed on March 10,1981 on ground of Sec. 657(1.) of the California Code of Civil Procedure.

Then, on March 19,1981 we did file our "Affidavit in support to our motion for reconsideration for a legal new trial" requesting speciffically not to be heard by judge ROBERT TIMLIN.

On April 13,1981 the Superior Court of Riverside County did inform us through the appellee LAWSON & HARTNELL about its Notice of Ruling that, judge Robert Timlin did deny our motion for reconsideration for a legal new trial.

On May 27,1981, based on California Rules of Court, Rule 2(a), we did file our NOTICE OF APPEAL with the California State Court of Appeals, Fourth District, Division Two, appealing from judge Timlin's Order by which he did abusively deny our motion for reconsideration for a legal new trial. Even on the ground of Rule 3(a) of the California Rules of Court, our NOTICE OF APPEAL is still timely filed, in less then 180 days from the date when the judgment appealled from was entered.

On October 30,1981 has been filed in the California State Court of Appeals, Fourth District, Division Two, the record on appeal called Clerk Transcript certified by Riverside County Superior Court (hereafter reffer to as C.T.).

On February 19,1982 in the same Court was filed our APPELLANT'S OPENING BRIEF. See Appendix, infra, pp.E (38 pages).

On August 22,1982 was finally filed RESPONDENT'S BRIEF (now the appellee LAWSON & HARTNELL).

On August 31,1982 said Court of Appeals, Fourth District sent a letter to respondent and to us, requesting further briefing.

On September 14,1982 we did file our APPELLANT'S REPLY BRIEF and also our LETTER BRIEF as answer to said Court request of August 31,1982.

The respondent did file his LETTER BRIEF on October 1, 1982.

On October 8,1982 we did file our APPELLANT'S REPLY LETTER BRIEF.